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NO. 126 P. 4

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

: EXAMINER: KEYS, R. A.

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: GROUP ART UNIT: 1621

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**SIR:**

I, Achim Löffler, declare and state as follows:

1. I am a PhD, having received my doctor rank in chemistry from the University of Kaiserslautern. I am employed by BASF SE in Ludwigshafen, Germany, and have been working in several departments of R&D from 1995-2000 and 2003 up to now. Since 2003 I have been working on polyetherols, and I am the named inventor or coinventor in 17 patent applications in different fields of chemistry including expandable polystyrene (EPS), polyether alcohols and polyester alcohols.

2. I am familiar with the claims, and have read the Office Action mailed May 5, 2008, in the above-identified application.

3. The following experiments were conducted under my supervision.

4. Three additional comparative examples were carried out, labeled as Examples 4a, 5a and 11a, respectively. The specifics of these comparative examples, together with

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examples and comparative examples already of record in the specification at page 15 in Table 1, are shown below as Table 1a, wherein the new comparative examples are shown in bold.

Table 1a

Example	Amount of DMC [ppm]	Stabilizer	Amount [ppm]	Induction time (min)
1	150	-	-	14
2	150	BHT	1000	4
3	150	BHT	1000	5
4	150	alpha-Tocopherol	1000	5
4a	150	alpha-Tocopherol	150	11
5	150	Dihexadecylhydroxylamine	500	7
6	150	Triphenyl phosphite	500	4
6a	150	Triphenyl phosphite	150	12
7	150	Diphenyloxamide	2000	2
8	25	-	-	27
9	25	BHT	250	6
10	25	BHT	250	5
11	25	BHT	50	10
11a	25	BHT	25	16

5. From the (comparative) Examples 4a, 6a and 11a in conjunction with Examples 1-11 as originally filed (Examples 1 and 8 being comparative examples), it can be seen that adding an amount from 2-500 times the mass of the catalysts of antioxidant before the reaction, leads to a significant reduction of the induction time. Reference is made to (comparative) Example 1, and Examples 4 and 6 as originally filed, and new (comparative) Examples 4a and 6a.

6. In (comparative) Example 1, no antioxidant is added before the reaction, and the reaction time is 14 minutes. In Example 4, an amount of 1000 ppm  $\alpha$ -tocopherol is added, which is equivalent to a 6.7 fold excess of the mass of the catalysts used, and the induction time falls to 5 minutes. According to (comparative) Example 4a, an equivalent amount of catalysts and  $\alpha$ -tocopherol are added before the reaction. The induction time nearly stays the same. It only drops insignificantly to 11 minutes, compared to 14 minutes when no antioxidant is added,

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7. The same result is obtained when comparing (comparative) Example 1, Example 6, and new (comparative) Example 6a. In Example 6, an amount of 500 ppm triphenylphosphite is added which is equivalent to a 3.3 fold excess of the mass of the catalysts used. The induction time significantly falls to 4 minutes. In (comparative) Example 6a, an equal amount of catalyst and triphenylphosphite is added. Nearly no reduction in the induction time can be observed (12 minutes in (comparative) Example 6a compared to 14 minutes when no antioxidant is added).

8. A similar result is observed if the amount of BHT as an antioxidant is varied. In (comparative) Example 8, no antioxidant is added before the reaction, and the induction time is 27 minutes. In Examples 9, 10 and 11, an excess of antioxidant is used, which leads to a significant reduction of the induction time. In (comparative) Example 11a, an equal amount of catalyst and BHT is used, which leads to only a small reduction of the induction time.

9. Therefore, from the (comparative) Examples 4a, 6a and 11a in conjunction with Examples 1-11 as originally filed, it can clearly be seen that the addition of equal amounts of catalyst and antioxidant does not realize the advantageous effect of the invention.

10. The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

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11. Further declarant saith not.

Customer Number

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Tel. (703) 413-3000  
Fax. (703) 413-3220  
(OSMOM 03/06)

Signature

*Adi Ghal*

Date

9-09-08